

Docket No.: 50454-56103USCIP
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eugenio CEFALI

Application No.: 08/960,557

Confirmation No.:

Filed: October 13, 1997

Art Unit:

For: METHODS FOR TREATING
HYPERLIPIDEMIA WITH INTERMEDIATE
RELEASE NICOTINIC ACID
COMPOSITIONS HAVING UNIQUE
BIOPHARMACEUTICAL
CHARACTERISTICS

Examiner:

PETITION TO WITHDRAW APPLICATION FROM ISSUE PURSUANT TO 37 C.F.R.
1.313(C)(2)

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that the above-identified application be withdrawn from issue for consideration of a Request for Continued Examination (RCE) and Amendment submitted herewith. The issue fee in this application was timely paid on August 8, 2006.

The fee for this petition and the fee for filing the RCE is submitted herewith. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 04-0100 as are necessary to withdraw the application from issue and to have the RCE considered by the Examiner.


Application No. 08/960,557

Docket No.: 50454-56103USCIP

The Office of Petitions is respectfully invited to contact the undersigned attorney should there be questions regarding this petition.

Dated: March 12, 2007

Respectfully submitted,

By 
Paul M. Zagar

Registration No.: 52,392

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Attorneys/Agents For Applicant

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MAR 12 2007

OFFICE OF PETITIONS

DATE: March 12, 2007

PTO IDENTIFIER: Application Number 08/960,557
Patent Number

Inventor: Eugenio A. Cefali et al.

MESSAGE TO: US Patent and Trademark Office
Office of Petitions

FAX NUMBER: (571) 273-0025

FROM: DARBY & DARBY P.C.
Paul M. Zagar

PHONE: (212) 527-7700

Attorney Dkt. #: 20718/1204135-US2

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Amendment Transmittal (1 page)
Amendment (11 pages)
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Replacement Drawing (Fig. 5) (1 page)
Charge \$920.00 to deposit account 04-0100
Certificate of Transmission (1 page)

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PTO/SB/97 (09-04)

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Application No. (if known): 08/960,557

Attorney Docket No.: 20718/1204135-US2

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on March 12, 2007
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Fee Transmittal (1 page)
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Amendment (11 pages)
Request for Continued Examination Transmittal (1 page)
Petition to Withdraw Application from Issue Pursuant to 37 C.F.R.
1.313(C)(2) (2 pages)
Replacement Drawing (Fig. 5)
Charge \$920.00 to deposit account 04-0100 (\$790 for RCE, \$130 for
Petition to Withdraw from Issue)

PTO/SB/17 (07-06)

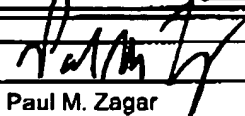
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318). FEE TRANSMITTAL For FY 2006		Complete if Known Application Number 08/960,557 Filing Date October 31, 1997 First Named Inventor Eugenio A. Cefali Examiner Name Not Yet Assigned Art Unit N/A Attorney Docket No. 20718/1204135-US2	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		MAR 12 2007 OFFICE OF PETITIONS	
TOTAL AMOUNT OF PAYMENT (\$) 920.00			

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 04-0100 Deposit Account Name: Darby & Darby P.C.	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
							<u>Small Entity</u>
							<u>Fee (\$)</u> <u>Fee (\$)</u>
<u>Fee Description</u>							
Each claim over 20 (including Reissues)							50 25
Each independent claim over 3 (including Reissues)							200 100
Multiple dependent claims							360 180
<u>Total Claims</u> <u>Extra Claims</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u>		<u>Multiple Dependent Claims</u>					
30 - 30 = x =		<u>Fee (\$)</u> <u>Fee Paid (\$)</u>					
HP = highest number of total claims paid for, if greater than 20.							
<u>Indep. Claims</u> <u>Extra Claims</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u>							
2 - 3 = x =							
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u> <u>Extra Sheets</u> <u>Number of each additional 50 or fraction thereof</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u>							
- 100 = /50 (round up to a whole number) x =							
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37 ...							790.00
Petition to Withdraw Application from Issue (see 37....)							130.00

SUBMITTED BY			
Signature 	Registration No. (Attorney/Agent) 52,392	Telephone (212) 527-7700	
Name (Print/Type) Paul M. Zagar		Date March 12, 2007	

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.	
Dated: _____	Signature: _____ (Paul M. Zagar)